

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

medley
10.13

UNITED STATES OF AMERICA,

Plaintiff,

v.

RALPH C. MEDLEY; CLYDE MEDLEY,
GRACE MEDLEY AND BARRY MEDLEY,
INDIVIDUALLY AND d/b/a MEDLEY'S
CONCRETE WORKS; MILLIKEN &
COMPANY; UNISPHERE CHEMICAL
CORPORATION; NATIONAL STARCH
AND CHEMICAL CORPORATION,

Defendants.

CIVIL ACTION NO.
7:86-252-3

MILLIKEN & COMPANY,

Third-Party Plaintiff,

v.

ABCO INDUSTRIES, INC.; BASF
CORPORATION; ETHOX CHEMICALS,
INC.; POLYMER INDUSTRIES, A
DIVISION OF MORTON-THIOL, INC.;
TANNER CHEMICAL COMPANY, AND
CHAS. S. TANNER COMPANY,

Third-Party Defendants.

THIRD-PARTY DEFENDANT TANNER CHEMICAL COMPANY'S
ANSWERS AND OBJECTIONS TO MILLIKEN & COMPANY'S
FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION

Pursuant to Rule 33 of the Federal Rules of Civil Procedure,
Tanner Chemical Company (hereinafter "Tanner") hereby submits its



answers and objections to Milliken & Company's interrogatories. Tanner reserves all proper objections to the materiality and relevancy of the information provided. Where applicable, Tanner has taken the liberty of changing the dates covered by the interrogatories and requests for production to reflect agreement reached between the parties.

ANSWERS TO INTERROGATORIES

INTERROGATORY

1. Identify the name and location of your branches or facilities which had business dealings with any of the following: Ralph Medley, Clyde Medley, Barry Medley, Grace Medley, Medley Concrete Works and Piedmont Industrial Services.

ANSWER

1. Tanner Chemical Company, Inc., located at Furman Hall Court, Post Office Box 1967, Greenville, South Carolina 29602 (803) 232-3893, has transacted with the above-named defendants.

INTERROGATORY

2. If you failed to identify any branches or facilities in your answer to Interrogatory No. 1, identify all of your branches or facilities which between 1973 and 1976 were located within 150 miles of this site, including branches or facilities previously sold or transferred by you or subsequently acquired.

ANSWER

2. Interrogatory No. 2 is inapplicable because Tanner operates no other branches or facilities.

INTERROGATORY

3. Identify the names of all persons who have knowledge of:
- A. Your waste disposal practices during the years 1973 to 1976.
 - B. Your business dealings (including waste disposal) relating to Ralph Medley, Clyde Medley, Barry Medley, Grace Medley, Medley Concrete Works, and Piedmont Industrial Services.

ANSWER

3. A. The following persons have knowledge of Tanner's waste disposal practices:
- (1) E. Hays Reynolds, former President, 841 South Pleasantburg Drive, Greenville, South Carolina 29607, telephone (803) 879-2257 (business) and 232-7875 (residence).
 - (2) John M. Alexander, former Plant Manager, 114 Salem Court, Greenville, South Carolina 29611, telephone (803) 879-2257 (business).
 - (3) Richard A. Ballenger, production worker, 26 South Poinsett Highway, Travelers Rest, South Carolina 29690, telephone (803) 232-3893.
- B. The following person may have knowledge of business dealings with Ralph C. Medley, et al.: E. Hayes Reynolds (title and address given in 3-A above).

INTERROGATORY

4. Identify the names of all persons who have taken environmental audits of your waste disposal activities; the date(s) of such audit(s); and the location of any audit documents.

ANSWER

4. No environmental audits of Tanner's waste disposal activities have been conducted.

INTERROGATORY

5. Identify the name of person(s) or anyone acting on your behalf who have investigated your prior disposal and/or financial activities with the Medley defendants, Medley Concrete Works, the Medley Farm site and/or the Love Springs site.

ANSWER

5. The following persons have investigated Tanner's records of business transactions with the Medleys:

A. Mr. Kenneth M. Fisher, Treasurer, 14 Parliament Road, Greenville, South Carolina 29615, telephone (803) 232-3893 (business) and (803) 268-4596 (residence).

B. Mr. Burt Godwin, Clemson University student, Clemson University, Clemson, South Carolina.

INTERROGATORY

6. For the facilities listed in your response to Interrogatory No. 1 or 2, identify the brand name, chemical identity and individual chemical components relating to products produced, raw

materials used and waste materials produced at these facilities during the years 1973 to 1976.

ANSWER

6. Tanner objects to this interrogatory as being unduly burdensome and oppressive. Tanner has available certain batch records and general accounting records for the years in question which contain information of this nature. In addition, Tanner has compiled a list of raw materials used at its facility during the years 1973-1976 (see Appendix B). Since the burden of a search for additional information would fall equally upon Milliken or Tanner, pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, Tanner will make these files available for review by Milliken's attorneys, provided that such review is scheduled at a mutually acceptable time and place, and upon signing of a protective order to ensure confidentiality.

INTERROGATORY

7. For the facilities listed in your response to interrogatory No. 1 or 2, identify the name of person(s) who: (1) managed or acted in a supervisory capacity for production and product lines at your facilities during the years 1973 to 1976, and (2) sales personnel of your facility during the years 1973 to 1976.

ANSWER

7. (1) John M. Alexander (address given in response 3-A(2)) was Production Supervisor during the years 1973 to 1976.

(2) The following persons were employed as salesmen

during the years 1973 to 1976:

- (a) James M. Strausbaugh, 925 Cleveland Street, Greenville, South Carolina 29601, phone 232-3893 (business);
- (b) William F. Lehr, 17 Trenholm Road, Greenville, South Carolina 29615, phone: 232-3893 (business);
- (c) Ronald G. Jehle, deceased;
- (d) Ray L. Lewis, 214 Sandpiper Way, Greenville, South Carolina 29615, phone: 232-3893 (business); and
- (e) Joseph L. Smith (no longer employed), Route-1, Box 67A, Bekeelie, Florida 33922.

Request for Production

REQUEST

1. All documents identified or requested to be identified in Interrogatory Nos. 1 through 7.

RESPONSE

1. None.

REQUEST

2. For the facilities listed in your response to Interrogatory No. 1 or No. 2, all documents relating to waste disposal activities at the site during the years 1973 to 1976.

RESPONSE

2. None.

REQUEST

3. For the facilities listed in your Interrogatory No. 1 or

No. 2, all documents relating to waste disposal activities at the Love Springs site during the years 1973 to 1976.

RESPONSE

3. None.

REQUEST

4. For the facilities listed in your response to Interrogatory #1 or #2, all documents relating to waste disposal activities with Medley Concrete Works during the years 1973 to 1976.

RESPONSE

4. Tanner made one transaction with Medley's Concrete Works on April 16, 1975. Check No. 1991 was paid to Medley's Concrete Works in the amount of \$441.00 (see photocopy attached at Appendix A).

147
drum

REQUEST

5. For the facilities listed in your response to Interrogatory #1 or #2, all documents relating to waste disposal activities with Piedmont Industrial Services during the years 1973 to 1976.

RESPONSE

5. None.

REQUEST

6. For the facilities listed in your response to interrogatory #1 or #2, all documents relating to the individual and chemical components of these products made by you during the years 1973 to 1976.

RESPONSE

6. Tanner objects to this Request as being unduly burdensome and oppressive. Tanner has available certain batch records and general accounting records for some of the years in question which may contain information of this nature (see attached list of available accounting records at Appendix C). See also attached list of raw materials used at Tanner during the years 1973 to 1976 (Appendix B). Since the burden of a search for such documentation would fall equally upon Milliken and Tanner, pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, Tanner will make these files available for review by Milliken's attorneys provided that such review is scheduled at a mutually acceptable time and place, and upon signing of a protective order to ensure confidentiality.

REQUEST

7. For the facilities listed in your response to interrogatory #1 or #2, all documents relating to waste materials and the individual chemical components of these waste materials made, generated or disposed of by you during the years 1973 to 1976.

RESPONSE

7. Tanner has no record of waste production or disposition thereof.

REQUEST

8. For the facilities listed in your response to interrogatory #1 or #2, all documents relating to raw materials and the individual chemical components of these raw materials used by you

in making products during the years 1973 to 1976.

RESPONSE

8. Tanner objects to this Request as being unduly burdensome and oppressive. Tanner has provided a list of raw materials at Appendix B. Additional documentation regarding raw materials may be found in the files referenced in the response to Request for Production No. 6, above. Since the burden of a search for such documentation would fall equally upon Milliken and Tanner, pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, Tanner will make these files available for review by Milliken's attorneys, provided that such review is scheduled at a mutually acceptable time and place, and upon signing of a protective order to ensure confidentiality.

REQUEST

9. For the facilities listed in your response to interrogatory #1 or #2, all documents relating to government notification of your waste activities from 1973 to present. This request includes, but is not limited to, notification to local, state and federal governments, waste authorization forms, and generator waste reports.

RESPONSE

9. Tanner has no record of government correspondence relative to government notification of waste activities for the years 1973 to 1976. For subsequent years, the following correspondence is attached at Appendix D:

(a) April, 1982 - January, 1983 -- Correspondence with

SCDHEC regarding the grant of approval for Tanner to dispose of controlled waste at the Greenville (Blackberry) Landfill.

REQUEST

10. For the facilities listed in your response to interrogatory #1 or #2, all documents relating to environmental audits performed by you or anyone acting on your behalf between 1973 and the present.

RESPONSE

10. None.

REQUEST

11. For the facilities listed in your response to interrogatory #1 or #2, all documents relating to insurance coverage and investigations of you in regard to environmental matters between 1970 and the present.

RESPONSE

11. This information has already been provided. See Tanner's response to question No. 7 of the standard interrogatories adopted by the court.

REQUEST

12. For the facilities listed in your response to interrogatory #1 or #2, all documents relating to financial information on your disposal activities for the years 1973 to 1976.

RESPONSE

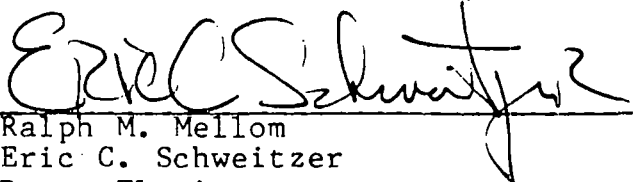
12. Tanner has no financial record relative to disposal activities for the years 1973 to 1976.

Dated this 2d day of May, 1986.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK AND STEWART

By:


Ralph M. Mellom
Eric C. Schweitzer
Roger Florio

Attorneys for Tanner Chemical
Company, Inc.

One Thousand East North Street
Post Office Box 2757
Greenville, South Carolina 29602
(803) 242-1410

ATTACHMENT A

DATE	INVOICE NO.	AMOUNT	DEDUCTIONS	BALANCE	FOR PICK-UP
<p>Invoice 4/1/75 ← <i>Invoice files for year 1975 were discarded years ago.</i></p>					

DETACH STATEMENT BEFORE DEPOSITING CHECK DISCOUNT \$

Tanner Chemical Co., Inc.
P. O. BOX 1967
GREENVILLE, SOUTH CAROLINA

DATE	CHECK NO.	GROSS	DISCOUNT	NET AMOUNT
4/16/75	21991	\$ 441.00		\$ 441.00 ✓

TO THE ORDER OF **Medley's Concrete Works**
Rt. 7 - Box 159
Garney, S.C. 29340

Tanner Chemical Co., Inc.

NON-NEGOTIABLE

SOUTHERN BANK AND TRUST COMPANY
(GREENVILLE, SOUTH CAROLINA)

Tanner Chemical Co., Inc.
P. O. BOX 1967
GREENVILLE, SOUTH CAROLINA

DATE	CHECK NO.	GROSS	DISCOUNT	NET AMOUNT
4/16/75	21991	\$ 441.00		\$ 441.00

TO THE ORDER OF **Medley's Concrete Works**
Rt. 7 - Box 159
Garney, S.C. 29340

Tanner Chemical Co., Inc.

E. H. [Signature]

SOUTHERN BANK AND TRUST COMPANY

ATTACHMENT B

Tanner Chemical Co., Inc.

Raw Materials - Years 1973-76

Tint-Aquablak 200/1301
Tint-Burnt Umber
Koldex 50
Colloid 585
Colloid 677
Foamaster VF
Nopco JMY
Nopco NDW
PPG1200
RB-8
Airlex 728
A-400/TL40
VAE-A-510
VAE Flexbond 150
PVAC XX210=Vinax
PVAC XX230 Vinac
Antimony Low tint
Calcium Carbonate #10 white
Clay B-80
Clay slurry huber 95
Hydrat alum SB 331/Bulk
Hydrat alum SB332/Bags
✓ Hydrated Alum SB-632
✓ Acetic Acid 84%
Propylene Glycol
Surfynol PC
Ammonium Hydroxide
Amical 48
Borax 5 Mol
Boric Acid Granula
Caustic potash 90% KOH
Stabelite Ester #3
Caustic soda 50%
Fumaric Acid
Saccharine
Stodex Pk90
Sugar
Urea
Versene powder
Nat rubber latex
Benzoflex 50
Glycerin
Hercolyn D
Propylene Glycol
Santicizer 148
Santicizer 160
Phosgard C22R/Fyrolcef
Dowicide G
Formaldehyde 37%
Elvace 1875
MM-51

Hexane
PVA alcohol 205
PVA alcohol 325
PVA alcohol 350
PVA alcohol 523
PVA alcohol 540
PVA alcohol 125
Stabelite Ester #3
Wing tack 95
Aerosol OT 75%
AMP 95
Igepal CO630
Igepal CO887
Modical S
Tamol 731
Methanol
Methylene Chloride
✓ Toluene
Starch-Stayco M
Starch-Corn/Amaizo 100 Pearl
Carbopol 940
Natrosol 250
Tychem 68-700
Tint-Lt Red D-2603
Tint-Yellow-1100
Mgo Eastomag 170
Zinc Oxide #20
Antioxidant 2246
Antioxidant LTDP
Super Beckacite
Acrysol GS
Rubber Solprene 411-P
Syn Rubber Neo AD10
Syn Rubber Neo AD20
Resin RCI 24054
✓ Acetone
Hy/Carb Sol Var 24001
Met Ethyl Ketone-MEK
Collcid 513 DD
PDI Powder-Defoamer

Tanner. Chemical Company, Inc.

Finished Goods - Years 1973-76

Slo Dry	BC-2
50-T	BC-2-2
TBA	HC-232
MB-46	D-143
Hi Speed	AS-593
Tantite	AS-594
Super Hot	LB 108
Brush & Roll	LB 148
RP-5	MC 603
MB-34	2030H
Dowelbond	2664M
Plasti Grip	2634
MB-40	2646
CE 1-P	5895H
Clear spray	5440
MB-55	5205
MB-8	5242M
MB-25	5214K
PG-NA	5116
PGR	5070
Wood glue 10	5205
Wood glue 12	5116
Champ	6205
MB-49	7445
MB-26	7428
71-4HV	7457MM
HC-373-M	7458
HC-369-M	7424
HC-232	2664
HC-445	6361
HC-479	7442-M
HC-141G	6204 MM
HC-141	6360
HC-90L	7457
HC-573	5225
HC-354	7424
HC-439	5070
HC 94-2	9502
HC 252	9971-B
HC 280	9008
HC 150	95-002
HC 461	
HC 196	
HC 409	
HC 286	
HC 477	
HC 373M	
HC-71-4HV	
HC-480	
HC 465	
HC 471	
HC 498	
HC 286	
HC 150	
HC 208	
HC 166	
HC-31-2	

ATTACHMENT C

		1	2	3	4	5	6	7	8	9	10	11	12
		1970	1971	1972	1973	1974	1975	1976	1977				
1	Bank Statements & Cancelled Cks		✓	✓		✓	✓						
2	Cash Receipts Journal	✓	✓	✓	✓	✓	✓	✓	✓				
3	Sales Journal	✓	✓	✓	✓	✓	✓	✓	✓				
4	Cash Disbursements Journal	✓	✓	✓	✓	✓	✓	✓	✓				
5	Purchase Journal	✓	✓	✓	✓	✓	✓	✓	✓				
6	General Journal	✓	✓	✓	✓	✓	✓	✓	✓				
7	General Ledger		✓	✓	✓	✓	✓	✓	✓				
8	Check stubs - one set	✓	✓	✓									
9	Accounts Receivable Aging												
10	Voucher Copy of Checks					✓	✓						
11	Physical Inventory year End and or Quarterly			✓	✓	✓	✓		✓				
12	Annual Financial Statement	✓	✓	✓	✓	✓	✓	✓	✓				

ATTACHMENT D

South Carolina Department of Health and Environmental Control

JAN 06 1984

2600 Bull Street
Columbia, S.C. 29201

Commissioner
Robert S. Jackson, M.D.



January 4, 1983

Board

Moses H. Clarkson, Jr., Chairman
Leonard W. Douglas, M.D., Vice-Chairman
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James A. Spruill, Jr.
William H. Hester, M.D.

Mr. James N. Strausbaugh
Tanner Chemical Company, Inc.
P. O. Box 1967
Greenville, SC 29602

RE: Tanner Chemical Company, Inc., SCD052073715
Greenville County (Blackberry) Landfill Disposal Request, DWP-107
Greenville County

Dear Mr. Strausbaugh:

This office hereby grants approval for disposal of 350 drums one time and 5-8 drums weekly of the waste identified in your December 20, 1983 letter, at the Greenville County (Blackberry) Landfill. Approval is contingent upon the following conditions:

- 1) Prior approval be obtained from the appropriate landfill officials.
- 2) Precautions must be taken to prevent leakage or spillage during transport.
- 3) Disposal is limited to the wastes and amounts described in your December 20, 1983 correspondence.
- 4) The material be covered upon disposal with a suitable soil cover or with refuse which receives a daily soil cover.
- 5) Coordinate the disposal with the District Solid Waste Consultant, Allison Ranson (Telephone 242-9850).
- 6) Any adverse effects to the receiving landfill will nullify this approval.

If you have any further questions concerning this matter, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Rick Grant".

J. Rick Grant
Waste Engineering Section
Bureau of Solid and Hazardous
Waste Management

JRG:als

cc: Allison Ranson, Appalachia II
Hank Ludwig, County Engineer



Tanner Chemical Co., Inc.

P. O. BOX 1967

FURMAN HALL COURT

GREENVILLE, SOUTH CAROLINA 29602

TELEPHONE (803) 232-3893

December 20, 1983

Mr. Allen McEntire
Bureau of Solids & Hazardous
Waste Management
S. C. DHEC
2600 Bull Street
Columbia, SC 29201

Dear Mr. McEntire:

On March 3, 1982 we wrote your office to request permission to discard drums of solid waste at the Blackberry Landfill and on April 27, 1982 permission was granted. (copies enclosed)

We have found that we have generated during this nearly two year period more than we have been able to take to Blackberry and are hereby requesting that we receive permission to take a one time amount of 350 drums (part drums) to Blackberry and that we up the weekly amount to 5-8 drums.

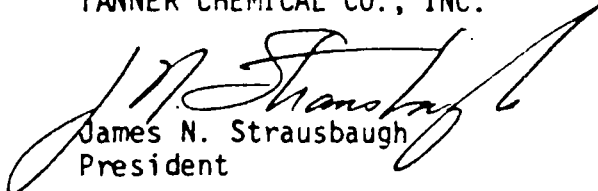
We have had several meetings with Ms. Allison Ranson and Mr. Gilbert Ivie and have shown them what the material is like. I might add they have been most helpful in guiding us and cooperative.

The contents of these drums is mostly Polyvinyl acetate and acrylic emulsions, polyvinyl alcohol, corn starch, and inert fillers (clays, calcium carbonate, etc.). All of the components in these adhesives have been approved for use as ingredients in food packaging adhesives under FDA regulation 175.105 testifying to the non hazardous nature of these products.

Please contact us if you have any questions. Your earliest response would be helpful.

Very truly yours,

TANNER CHEMICAL CO., INC.


James N. Strausbaugh
President

JNS/ah

cc: A. Ranson (242-9850)
G.L. Ivie (277-3813)

South Carolina Department of Health and Environmental Control

April 27, 1982

APR 30 1982

BOARD

J. Lorin Mason, Jr., M.D., Chairman
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COMMISSIONER

Robert S. Jackson, M.D.
2600 Bull Street
Columbia, S.C. 29201

J.N. Strausbaugh
Tanner Chemical Co., Inc.
P.O. Box 1967
Greenville, SC 29602

RE: Disposal of waste at the Blackberry Landfill in Greenville County

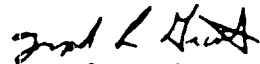
Dear Mr. Strausbaugh:

This office hereby grants approval for disposal of your 50-60 drums annually at the rate of 3-5 a week at the Blackberry landfill. Approval is contingent upon the following conditions:

1. Prior approval be obtained from the appropriate landfill officials.
2. Precautions must be taken to prevent leakage or spillage during transport.
3. Disposal is limited to the wastes and amounts described in your March 3, 1982 correspondence.
4. The material be covered upon disposal with a suitable soil cover or with refuse which receives a daily soil cover.
5. Coordinate the disposal with the district solid waste consultant, Robert Hall (telephone 242-9850).
6. Any adverse effects to the receiving landfill will nullify this approval.

If you have any further questions concerning this matter, please contact this office.

Sincerely,



Joseph R. Grant
Waste Identification & Evaluation
Bureau of Solid & Hazardous Waste Management

JRG:s

cc: Robert Hall
Hank Ludwig

TO S.C. Department of
Health and Environmental
Control
Attn: Robert J. Hall

FROM

Telephone: (803) 232-2157
3893
Tanner Chemical Co., Inc.
P. O. BOX 1967
FURMAN HALL COURT
GREENVILLE, S. C. 29602

SUBJECT: Letter of March 3, 1982

DATE: 4/21/82

FOLD

MESSAGE

Per your telephone conversation of today's date with Rick Ballenger, please find attached a copy of the letter which you requested. Thank you for your help and cooperation.

PLEASE REPLY TO → SIGNED

ah

REPLY

DATE

SIGNED

GRAYARC CO., INC., BROOKLYN, N. Y. 11222

THIS COPY FOR PERSON ADDRESSED



Tanner Chemical Co., Inc.

P. O. BOX 1987

FURMAN HALL COURT

GREENVILLE, SOUTH CAROLINA 29602

TELEPHONE (803) 232-3893

March 3, 1982

Allen McEntire

Mr. Jim Ullery
Bureau of Solids & Hazardous
Waste Management
S. C. DHEC
2600 Bull Street
Columbia, SC 29201

Dear Mr. Ullery:

Upon the advice of Robert Hall, Bureau of Solid & Hazardous Waste Management and Gilbert Ivie, Greenville County Solid Waste Department, who visited our plant this week, we are writing to request permission to dump approximately 50-60 drums of solid waste per year at Blackberry Landfill. We would like to dump approximately 3-5 drums per week.

Contents of these drums are basically water, polyvinyl acetate emulsion, polyvinyl alcohol and corn starch. All the components in these adhesives have been approved for use as ingredients in food packaging adhesives under FDA regulation 175.105 testifying to the non-hazardous nature of these products.

Please contact us if you have any questions.

Very truly yours,

TANNER CHEMICAL CO., INC.

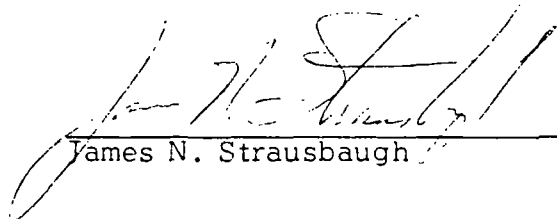
J. N. Strausbaugh /ah
J. N. Strausbaugh
President

JNS/ah

*Copy mailed to Robert Hall
at his request 4/21/82*

VERIFICATION

James N. Strausbaugh, being first duly sworn, on oath states that he is authorized to make this verification on behalf of Tanner Chemical Company, Inc.; that he and other officials of the company have assembled the information necessary to prepare the foregoing answers to third-party plaintiff's interrogatories and request for production; that such information was derived from company records and files, and from discussions with appropriate members of the company's management where necessary; that he has read the foregoing answers to third-party plaintiff's interrogatories and request for production; that the answers are true insofar as they come within his own personal knowledge; and that in the remaining instances he has been informed that the answers are true and on the basis of that information, he believes them to be true.


James N. Strausbaugh

Sworn to and subscribed before me
this 1st day of May, 1986.

Mary Sue Holcombe
Notary Public for South Carolina
My Commission Expires: 10/28/95